

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, and 20 are pending in the present application, of which claims 2 and 20 are independent.

**Approval of Drawings Requested**

Drawings were submitted on January 26, 2006. To date, no official indication of approval of the drawings has been noted in the prosecution history. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

**Claim Rejection Under 35 U.S.C. §103**

Claims 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bodin (US 5,241,685) in view of Kangas (US 5,504,937).

**INDEPENDENT CLAIM 2**

As an example, independent claim 2 recites (among other things) a feature(s) of "predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level, at which radio output control over the first cell is to be performed, ... if the channel utilization rate of the first cell is at a warning level." As will be explained below, at least this feature(s) of claim 2 is a distinction over Bodin, and thus over its combination with Kangas.

In page 2 of the Office Action, Examiner asserts that Bodin discloses "predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level" by referring to, for example, column 7, lines 20-27.

Bodin describes that

"a handoff is considered once the measured signal strength drops below the staying or SSH threshold, and the handoff is granted when  $SS4-SS1 \geq a$ ," on column 7, lines 11-13 thereof.

Further, Bodin describes that

"The staying threshold is the signal strength

threshold that is used to determine whether an established call should continue to be handled by its present base station, i.e. whether the call should 'stay' within the cell. For cell C1, this threshold corresponds to the SSH value. The entering threshold is the difference between signal strengths measured at current and target base stations," on column 7, lines 20-27 thereof.

Based on these descriptions, even if the phrase "the measured signal strength drops below the staying or SSH threshold" is alleged to correspond to "the channel utilization rate of the first cell is at a warning level" and even if the equation "SS4-SS1  $\geq$  a" is alleged to correspond to "the channel utilization rate of a first cell of the cells to reach an implementation level, at which radio output control over the first cell is to be performed," Bodin does not teach predicting the time required for reaching "SS4-SS1  $\geq$  a" if "the measured signal strength drops below the staying or SSH threshold".

Hence, the noted feature(s) of claim 2, namely "predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level, at which radio output control over the first cell is to be performed, ... if the channel utilization rate of the first cell is at a warning level," is a distinction over Bodin. The noted feature(s) also is a distinction over Kangas as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Kangas as disclosing the noted feature(s).

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 2 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 2. Claims 4, 6, 8, 12, 14, 16, 17, and 18 ultimately depend from claim 2, respectively, and so at least similarly distinguish over the asserted combination of references.

### **INDEPENDENT CLAIM 20**

Claim 20 incorporates features that correspond to those of claim 2 discussed above, and is, therefore, patentable over the cited references for at least the same reasons.

In view of the foregoing discussion, the rejection of claims 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, and 20 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-1290.

Respectfully submitted,

Dated: August 28, 2009

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